A Few Suggestions to Those Who Represent Us in the North Carolina General Assembly
by Diane Rufino, February 1, 2021

Government is best and most responsive to the individual when it is closest to them. We're talking about the local, the county, and even the state level. This is where the individual and his or her concerns matter. In DC, the person doesn't matter at all, let alone his or her concerns and interests. The only worth of a person at the federal level is his or her voting affiliation. This is a very Jeffersonian principle. It is also, at the core, why Greece never solidified into a central government but remained a series of "city-states."

And so, over the past years, I thought a lot about what our state government and state leaders should be doing with their time in office, and I've come up with a list of nineteen items. I'm hoping that like-minded individual (ie, constituents; voters) and groups will agree, at least to some items, and agree to work together to strategize and come up with action plans, with the ultimate goal of having action taken at the state (or local) level. "Strength in numbers!" Some of these ideas are:

(1) North Carolina should create a State Escrow Account. The purpose of this initiative would be two-fold: (1) To exercise a sovereign duty under the Tenth Amendment which is to check abuses and unconstitutional acts, laws, policies, and spending by the federal government; and (2) To make sure North Carolina citizens do NOT give in to federal tyranny, which includes over-taxation in order to spend that money on unconstitutional objects (ie, in order to "go around the boundaries of the Constitution"). With a State Escrow Account, North Carolina citizens would first send their IRS filings and checks to the state government where an analysis would be done regarding the amount and the constitutionality of the amount of federal taxation. The state would withhold taxation amounts to the IRS that the federal government uses for unconstitutional purposes (like education, welfare, state grants, funds to foreign countries, bail-out funds, etc) See my article "*State Escrow Accounts to Curb Federal Funding*," www.forloveofgodandcountry.com, November 8, 2015.

(2) The North Carolina General Assembly (NCGA) should take the lead and call for yearly "Round Table" meetings of all 50 States, and perhaps including a representative or representatives from the federal government. At these meetings, the states can bring up any issues and any problems they have (For example: gang violence, drug trafficking, homelessness, lack of jobs (ideas for job creation), healthcare costs in their state, education issues, how to resist over-reach by the federal government, what to do when they believe the Supreme Court has issued an unconstitutional ruling… With 50 states at the table, each acting as an "independent laboratory" of experimentation and success/failure and applying free market principles, they can certainly more successfully solve their problems and become stronger (sovereign-wise), which is great so that they don't have to look to and depend on the federal government.

(3) The state legislature should craft and adopt a State Sovereignty Resolution or State Sovereignty Statute. Alternatively, the NCGA can amend the NC state constitution to include a section, with strong language that addresses the natural right and its right under the Tenth Amendment, to exert all of its sovereign rights, including those which challenge and resist abusive and otherwise unconstitutional laws, actions, policies, spending, treaties, etc by the federal government. [See the various State Sovereignty Resolutions that Diane Rufino has written or state sovereignty resolutions introduced or adopted by other states, or model state sovereignty resolutions that have been drafted and promoted by the Tenth Amendment Center]. See my blogsite for my version of a North Carolina State Sovereignty Resolution, dated Feb. 18, 2019 (www.forloveofgodandcountry.com. Also, refer to the sample versions of a state sovereignty resolution in Addendum I (another of my versions) and Addendum II (Montana's House Joint Resolution No. 26, aka, the Montana State Sovereignty Resolution).

(4) The state legislature should make it a top priority to make North Carolina a model state for true education. BACK TO EDUCATION & ENOUGH WITH PUBLIC SCHOOL INDOCTRINATION!!! North Carolina needs to expand options for education, rather than the historic reliance on public school indoctrination (I mean, public school education). There should be unlimited charter schools, home school consortiums and other home

school options, more religious school options, and opportunities at the high school level for trade school training.

(5) The NCGA should make the in-depth study of our state and nation's founding a top priority in its core education curriculum, as well as an in-depth study of all our founding documents (bringing in English history and roots) and all the reasons, harassment, instigations, and violations of human rights that led to our quest for independence (including a very public declaration with the Declaration of Independence) and ultimately, the American Revolution. In fact, the NCGA should either make this an entirely separate course on American History [with a firm reliance on our founding documents, commentary by our Founding Fathers, the meaning and scope of the Constitution of 1787 as explained clearly in the Federalist Papers, the debates in the individual State Ratifying Conventions (to learn how each state understood what the Constitution meant when they agreed to ratify it – simple compact or contract theory law), and our primary accounts of history (including how quickly the federal government began to ignore the boundaries of our Constitution and how Abraham Lincoln's administration blatantly and unconscionably violated its sacred provisions, "transformed the union" re-interpreted the Constitution, and transformed the federal government and its powers and responsibilities] OR if this study is to be part of another American History course, then it MUST be taught by someone or some group widely recognized as being able to teach the topic authentically, knowledgably, and in detail.

(6) The NCGA should make a STRONG change to the way that law schools in the state approach teaching Constitutional Law. Instead of teaching students what the Constitution means and what the scope of the powers of the branches of the federal government are through judicial rulings (judge-made law; through the many opinions of the Supreme Court), as if that is the ONLY way the Constitution should be interpreted, the NCGA should require that a preliminary Constitutional Law course be taught that teaches what the Constitution ACTUALLY means – as intended by those who wrote it and signed off on it (see James Madison and the debates and proceedings in the Philadelphia Convention of 1787), as explained by those who wrote it and were delegates at the Convention (See the Federalist Papers, a collection of essays written by James Madison, Alexander Hamilton, and John Jay) in order that the States have a clear understanding when considering whether or not to ratify it, and according to those states, in their individual State Ratifying Convention after careful and rigorous debate, who relied on certain meanings and with certain "Ratifying Clauses" and conditions attached, when they agreed to adopt it. Individual men in black robes don't have the power to change the meaning of the provisions, the clauses, and the powers delegated to the federal government in the Constitution (yet they have been doing this for over 200 years). The purpose of a constitution is to be a permanent testament of the powers delegated from the People to the government, and that is exactly the approach law students MUST be taught. If our Constitution is to survive and maintain its original integrity, this approach MUST be included in every North Carolina law school curriculum.

(7) North Carolina should invest and expand Project Veritas through communication and cooperation with other states.

(8) North Carolina should invest and expand NC Voter Integrity Project through communication and cooperation with other states. (Jay Delancy, the founder of the NC Voter Integrity Project, would be best to advise and help all other states establish their own groups - and then they all can work together and share data)

(9) Each state should have its own manufacture and distributor of ammunition. Congress CANNOT interfere with intrastate commerce. North Carolina should take the initiative on this plan.

(10) The NCGA should discuss this question or idea with its fellow states: Should the States negotiate with the Indian nation (Indian tribes) to: (a) adopt our US Constitution (or better yet, the constitution of the Confederate States of America) as part of its governing documents and (b) have them agree to adhere to it as our Founders intended and envisioned. In this way, we can secure the Constitution of our founding and keep it alive and working should it someday become extinct and irrelevant here in the United States.

(11) North Carolina sorely needs election reform. Such election Reform should include a strict Voter ID requirement and the manual, hand-counting of ballots. Here in North Carolina, we do not have the infamous Dominion machines, but the troublesome software is the same. This software is where the manipulation of votes takes place. The John Birch Society offers several suggestions to restore election transparency, integrity, and security. In the February 15th issue of *The New American* magazine, titled "Restoring Election Integrity," election expert Kurt Hyde explains specific changes in election laws and procedures that are needed:

- Reinstate paper ballots
- Reinstate voting and vote counting as public acts
- Reinstate the precinct as the place where voters cast their ballots and where the ballots are counted
- Allow candidates to choose areas to audit the vote
- Mandate that the election process be recorded with video and audio equipment
- Publicly and immediately post precinct vote results
- Mandate the cleaning up of all voter registration lists
- Eliminate same-day voter registration
- Put in place law to protect evidence
- Punish fraud and end early voting
- Require an absolute chain of custody for ballots
- Repeal laws that allow for unattended drop boxes for ballots and laws allowing for no-excuse absentee balloting
- Ballots must have verifying features
- Make it easier to recruit election clerks
- Don't allow government employees or political hacks to run the polls
- Require paper voter sign-in sheets

As someone connected to the Abbeville Institute wrote: "The key to putting the country on a better path is not in national elections. It doesn't matter an iota who your representative or Senator is, which party holds power, or who the president is. It doesn't even much matter who is on the Supreme Court. We've been on a continual and incremental shift to the left for over 100 years and national elections have not stopped this. They've aided it. The key is in your State elections. We must support and elect people to our State governments who will interpose, nullify, and negate all federal over-reach. Your voice is louder the closer to home that your government is. In DC, you have no representation no matter who you send there. The power is in your State government and this sis where we must effect change."

(12) The NCGA should pass legislation which would criminalize enforcement of unconstitutional edicts at the county level, and order sheriffs, county commissioners, and local/state prosecutors to carry out such enforcement.

(13) Leaders in the state legislature, along with groups in North Carolina that are fed up with the Republican Party, should strategize and devise plans in order to build on the momentum that Donald Trump started in 2016 and which he delivered throughout his administration (to Make America Great Again, to Drain the Swamp, and to Give the Government Back to the People). We call this growing momentum "The Great Awakening."

(14) The NCGA should push forward with Rep. Keith Kidwell's effort to place checks on progressive state governors (like Roy Cooper) by requiring the General Assembly to be called into session in the event of a prolonged emergency in order that the legislature has an opportunity to protect We the People of North Carolina from draconian gubernatorial edicts. Related to this issue, the NCGA should pass or amend existing legislation to set precise boundaries to what types of events or circumstances can be termed "a prolonged emergency." A vague statue is overly ripe for abuse and tyranny.

(15) The NCGA should move forward with efforts to make North Carolina a "sanctuary state" for the Second Amendment.

(16) In counties in which the school board members represent districts, it should be required that each member of that county's Board of Education to be elected by ONLY by the voters in the district that he or she will serve and NOT by a county-wide election.

**** Items #13 – 16 were taken from "An Open Letter to NC General Assembly," written by Rick Hopkins, in the Daily Compass (week of February 11. 2021

(17) The North Carolina state legislature should follow the lead of the South Dakota state legislature:

A new bill, HB 1194, has been introduced by newly-elected Republican state Rep. Aaron Aylward, in South Dakota's Republican-controlled House of Representatives aims to give the state's attorney general the power to reject any executive order issued by a US President deemed to be unconstitutional.

What exactly does the new bill authorize?

First, it creates "The Executive Board of the Legislative Research Council," which has the authority to review any executive order issued by the President of the United States. Rep. Aylward hopes to rein in the president's executive power by authorizing the state to review certain executive orders that "restrict a person's rights."

Second, as the bill's text reads: "the 'Board' may review any executive order issued by the President of the United States, if the order has not been affirmed by a vote of the Congress of the United States and signed into law, as prescribed by the Constitution of the United States."

Third, and according to the language of the bill: "Upon review, the Executive Board may recommend to the attorney general and the Governor that the order be further examined by the attorney general to determine the constitutionality of the order and to determine whether the state should seek an exemption from the application of the order or seek to have the order declared to be an unconstitutional exercise of legislative authority by the President."

Under HB 1194, the state's attorney general would be able to exempt South Dakota from the any executive order "that restricts a person's rights" or is determined "to be unconstitutional" as long as the order relates to the following:

(a) A pandemic or other public health emergency
(b) The regulation of natural resources
(c) The regulation of the agricultural industry
(d) The regulation of land use
(e) The regulation of the financial sector through the imposition of environmental, social, or governance standards, or
(f) The regulation of the constitutional right to keep and bear arms

HB 1194 is not a per-se partisan bill. As Rep. Aylward insists: The legislation is not just a response to recent action from Biden, but is intended to push back against the steady expansion of executive power in the U.S. in general." In other words, it is a patriotic bill designed to put force behind the government scheme of federalism, to give enforcement power to the Tenth Amendment, and ultimately to resist the abuses and growing power (usurped powers) by the federal government.

"This isn't just a President Biden issue but rather an overall executive overreach issue that we've been experiencing for a long time," Rep. Aylward said. "The U.S. Congress has abdicated their duty for a long time

in different areas. This bill is simply setting up a process to nullify acts that would be unconstitutional. When looking at the U.S. Constitution, the President only has the powers that are laid out in Article II."

He continued to make the case that, if signed into law, the bill would go a long way toward restoring federalism in the country and for South Dakota specifically. As he put it: "If this were to pass, it would give South Dakota much of its power back. Per the Supremacy clause of the U.S. Constitution, the powers of the federal government need to line up with what is laid out in the document."

[Reference: Phil Shiver, "South Dakota Republican Introduces Bill to Reject Biden's Executive Orders, Blaze Media, February 9, 2021. https://www.theblaze.com/news/south-dakota-bill-reject-biden-executive-orders

(18) The North Carolina state legislature should follow the lead of the North Dakota state legislature:

"*All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require."* ***-- Sec. 2, North Dakota Declaration of Rights***

As the federal government in 1798 teetered dangerously close to what James Madison considered a vast misuse of its powers under the Constitution, he authored the Virginia Resolution. (***The Virginia Resolution of 1798***).

The resolution affirmed that "*in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them*."

The North Dakota legislature is putting forth 2 new bills designed to exert its state sovereignty under the Tenth Amendment and to resist the ever-encroaching and always aggressive federal government from stomping on the rights, livelihood, and enjoyment of the citizens of that state. The two bills are HB 1164 and HB 1282. The first addresses the constitutionality of executive orders issued by the President of the United States, and the second addresses the constitutionality of laws passed by the US Congress.

A group of North Dakota legislators have taken up the call for states to reassert control over the Constitution, as the Biden regime continues to rule by executive fiat, often promulgating unconstitutional orders infringing upon civil rights. This is the key to thwarting a wholesale slide into national despotism and ensuring that there are some places for Americans to go and enjoy the blessings of liberty. The question is whether leaders in those legislative chambers as well as Gov. Doug Burgum will pick up the mantle, not to mention Republicans in other states.

Recently, representatives Tom Kading, Matthew Ruby, and 7 other Republicans in the North Dakota House introduced HB 1164, which would task the attorney general with reviewing the constitutionality of the president's executive orders. If any of his orders are deemed to be unlawful, this bill would prohibit any state or county agency or publicly funded organization from enforcing the edict.

The list of issues covered under the bill are:

(a) Pandemics or other health emergencies.
(b) The regulation of natural resources, including coal and oil.
(c) The regulation of the agriculture industry.
(d) The use of land.
(e) The regulation of the financial sector as it relates to environmental, social, or governance standards.
(f) The regulation of the constitutional right to keep and bear arms.

According to HB 1164, (a) "The legislative management may review any executive order issued by the president of the United States which has not been affirmed by a vote of the Congress of the United States and signed into law as prescribed by the Constitution of the United States and recommend to the attorney general and the governor that the executive order be further reviewed," the bill said.

(b) "Upon recommendation from the legislative management, the attorney general shall review the executive order to determine the constitutionality of the order and whether the state should seek an exemption from the application of the order or seek to have the order declared to be an unconstitutional exercise of legislative authority by the president," the bill reads.

According to Rep. Ruby: "Ruling by executive order is a disease that must be cured."

He continued: "I would've supported it whether it was Trump or Bush or Obama — any of them. I really think there's a huge difference between going through Congress and getting something passed compared to, you didn't get your way so you're putting it in as an executive order."

The impetus for the bills, according to Daniel Horowitz of The Blaze, Republican North Dakota state legislators, and many others, is that "the Biden regime continues to rule by executive fiat, often promulgating unconstitutional orders infringing upon civil rights."

Horowitz characterized the legislation as "the key to thwarting a wholesale slide into national despotism and ensuring that there are some places for Americans to go and enjoy the blessings of liberty."

To put this new bill in perspective, the first challenge under this new bill might be Biden's recent mask mandate, which unconstitutionally prohibits humans breathing without cloths on their mouths and noses inside any public transportation, including in-state ride-shares and taxis. The Center for Disease Control (CDC) created an entire criminal offense for something that never passed Congress. This, as one can easily recognize, is unconstitutional and ripe for a reign of tyranny.

HB 1164 is a great start to challenge a President's use of Executive Orders as a way to legislate (or to adjudicate).

But North Dakota didn't stop there. What if Congress decides to pass a bill that is unconstitutional? HB 1282, which was introduced by Rep. Sebastian Ertelt, would take this a step farther by proposing a "Committee on Neutralization of Federal Laws" to recommend whether a given law or regulation is unconstitutional. Legislators are calling it "A Committee on Nullification." Upon the recommendation of this committee, consisting of state legislative leadership and their appointees, the legislature would pass a concurrent resolution on whether to nullify the law or edict. Until the resolution is passed, state and county agencies would be prohibited from enforcing the law or regulation at issue.

The bill requires:

(a) "Upon receipt of federal legislation, regulation, or an executive order, for consideration and process, the committee shall recommend whether to nullify in its entirety a specific federal law, regulation, or executive order. In making its recommendation, the committee shall consider whether the legislation, regulation, or executive order is outside the scope of the powers delegated to the federal government in the Constitution of the United States," the bill reads.

(b) "The committee may review all existing federal statutes, regulations, and executive orders enacted before the effective date of this section for the purpose of determining constitutionality and shall recommend whether to nullify in its entirety a specific federal statute, regulation, or executive order," the bill said.

(c) If passed, the State Legislature ostensibly would decide if the edict becomes the law in North Dakota.

(d) “If the legislative assembly approves the concurrent resolution by a simple majority to nullify a federal statute, regulation, or executive order based on constitutionality, the state and the citizens of the state may not recognize or be obligated to abide by the federal law or executive order,” the bill reads.

These bills should serve as a model for all 31 GOP-controlled legislatures, especially in the 23 states where there are also Republican governors. I hear so many conservatives acting despondent and either resigned to tyranny or calling for secession or even a civil war. But the solution implied in these bills would keep the union loosely intact while peacefully maintaining a constitutional sanctuary for those who still value constitutional freedoms. This is the best way to peacefully and gradually separate blue and red America into their respective cultural, economic, and governing choices so we can live together more agreeably as a federal union.

North Dakota Republicans control the Senate 40-7 and the House 80-14. If this were a Democrat state passing a sanctuary bill for illegal aliens, the bill would pass in a day. Given that the rights of American citizens are on the line, Senate leaders Randy Burckhard and Rich Wardner should bring this bill to the Senate floor, and Speaker Kim Koppelman should bring the bill to the House floor immediately. North Dakota has an opportunity to lead the nation in liberty, if only all the Republicans in the state would govern the way they campaign.

Madison predicted in Federalist No. 46 that a federal encroachment would easily be mitigated by state action, because "the means of opposition to it are powerful and at hand."

What is the winning formula?

“The disquietude of the people; their repugnance and, perhaps, refusal to co-operate with the officers of the Union; the frowns of the executive magistracy of the State; the embarrassments created by legislative devices, which would often be added on such occasions, would oppose, in any State, difficulties not to be despised; would form, in a large State, very serious impediments; and where the sentiments of several adjoining States happened to be in unison, would present obstructions which the federal government would hardly be willing to encounter.” [Federalist No. 46]

In other words, public outrage, state and local officials refusing to enforce it, and correspondence with counterparts in other states together in unison would prevail over federal tyranny.

South Dakota already has a similar bill to HB 1164 targeting Biden's executive lawmaking. Rep. Aaron Aylward of Harrisburg, South Dakota, introduced HB 1194, which would set up an executive board to review the constitutionality of executive orders pertaining to the six issues laid out in the North Dakota legislation. With a 32-3 majority in the Senate and a 62-8 majority in the House, South Dakota Republicans have the strongest majorities since the Eisenhower era. The Dakotas, as well as many other parts of the country, can easily become constitutional sanctuaries.

Let's be very clear: The Supremacy Clause of the Constitution subordinates states to follow only laws that are pursuant to the Constitution on issues that were given over to the federal government to determine. However, if the federal government blatantly violates the Constitution, especially in a way that harms individual liberty, even Alexander Hamilton, the great supporter of a powerful national government, said that states should ignore it. "It will not follow from this doctrine that acts of the large society which are NOT PURSUANT to its constitutional powers, but which are invasions of the residuary authorities of the smaller societies, will become the supreme law of the land," wrote Hamilton in Federalist No. 33. "These will be merely acts of usurpation, and will deserve to be treated as such."

Well, if it was good enough for Hamilton, it should be good enough for states with strong Republican majorities in the legislature.

There is no doubt that Biden's presidency will take a bite out of our economy, especially with his cancelation of the international pipeline going through North Dakota. But if tyranny itself takes root and grows within the boundaries of these solid red states, then we as conservatives have nobody to blame but ourselves and our own complacency.

The question is whether the members of the North Carolina General Assembly who call themselves 'patriots' and who deem themselves worthy of their responsibility as state leaders will pick up the mantle to question and challenge the powers and actions of the out-of-control federal government, not to mention whether representatives (Republicans and Democrats) in other states will do so as well.

[References: (1) Daniel Horowitz, "North Dakota Legislators Introduce Bill to Block Biden's Illegal Executive Edicts," The Blaze, February 3, 2021. https://www.theblaze.com/op-ed/horowitz-north-dakota-legislators-introduce-bill-to-block-bidens-illegal-executive-edicts

(2) Jack Davis, "North Dakota Republicans Move to Wrest Control from Biden, Place Power Back with the Constitution," The Western Journal, February 6, 2021. https://www.westernjournal.com/north-dakota-republicans-move-wrest-control-biden-place-power-back-constitution/?utm_source=facebook&utm_medium=huckabee&fbclid=IwAR0PKa0CCok2J0er4JK1zaKVf3Mg7c_mcrWL8ztknpWR-TNR4ggaimIKqC4]

(19). Finally, this last item should be discussed with our DC reps: The US Congress (of which a group of ambitious Democrats control) is currently considering a bill titled H.R. 1 ["For the People Act" of 2021' – [https://www.congress.gov/bill/117th-congress/house-bill/1/text?q={%22search%22:[%22hr1%22]}&r=1&s=1]. One of the most notable features of H.R. 1 is that it strips states of the right to set their own standards for how elections are to be conducted. Election laws will be determined at the federal level. Under this bill, states would be required to promote the use of mail-in voting, to offer online applications for voter registration, and to provide automatic and even same-day voter registration. H.R. 1 would all but eliminate voter ID laws. It would prohibit states from "requiring identification as a condition of obtaining a ballot." However, the bill would allow a state to require "a signature of the individual or similar affirmation as a condition of obtaining an absentee ballot." After all, we must protect the integrity of our elections. In Section 1005, the bill seeks to prohibit a state "from requiring applicants to provide more than last four digits of Social Security number." Currently, in some states, if an individual without a driver's license registers to vote, an applicant is required to supply the full Social Security number. THIS WOULD BE A PERFECT TIME FOR NORTH CAROLINA TO FINALLY ENACT A NULLIFICATION BILL. It must REFUSE to enforce the particulars of this extremely tyrannical bill.

ADDENDUM I. (NORTH CAROLINA STATE SOVEREIGNTY RESOLUTION, drafted by Diane Rufino)

NORTH CAROLINA STATE SOVEREIGNTY RESOLUTION

RESOLUTION to ADOPT a STATE SOVEREIGHTY BILL, RE-ASSERTING NORTH CAROLINA'S RELATIONSHIP WITH THE FEDERAL GOVERNMENT

Whereas, the state of North Carolina acceded into the union of States, established by the compact that is the Constitution of the United States, as an independent and sovereign state;

Whereas, with its accession, North Carolina did not enter into a position of unlimited subordination to the general government, but ceded only certain enumerated and defined powers, reserving to itself the residuary mass of rights to self-government (which was established by the limited and express delegation of powers to the federal government and then restated in the Tenth Amendment);

Whereas, in considering for ratification of the Constitution of the United States, the conventions of a number of the States expressed concern regarding the potential for the abuse of the power to be ceded to a general government and subsequently, at the time of their adopting the Constitution of the United States, expressed a desire, in order to prevent misconstruction or abuse of its power, that further declaratory and restrictive clauses (ie, a Bill of Rights, and other amendments) should be added to the document (indeed, Massachusetts adopted the Constitution under the strict condition that a Bill of Rights be added, and North Carolina, New York, and Rhode Island only ratified under the promise and understanding that a Bill of Rights would be immediately added);

Whereas, a Bill of Rights was incorporated as the first ten amendments to the Constitution, with amendments one thru eight (1-8) recognizing certain liberty rights that the federal government would be bound to respect and would not be permitted to regulate (ie, to deny, abridge, burden, or chill), amendment nine recognizing that the People have other liberty rights not specifically articulated, and amendment ten re-affirming the federal nature of the government system and re-affirming that the federal government is one of limited and express powers while the States retain all others (the "reserved powers");

Whereas, by its very words and intention, the Constitution represents a federal system whereby the powers of government are split between the States and the federal government., and just to make sure the federal government never mischaracterized the system or misconstrued this intent, the Tenth Amendment was added by a demand of the states;

Whereas, the Preamble to the US Bill of Rights explains the great importance of our first ten amendments. It states: "The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, *in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution*;

Whereas, the "*beneficent ends*" included in the Preamble refer to the intention of the States to respect their sovereignty and to preserve Liberty, the very thing they fought the Revolution for;

Whereas, our Founders warned of the tendency of governments to become ambitious, to consolidate their powers, and in doing so, to burden the liberty rights of their citizens, and they advised and tasked the States to be eternally vigilante with respect to the actions of the federal government, to call out every abuse and infraction of its powers and demand redress, and to be eternally protective of their reserved sovereign powers;

Whereas, Thomas Jefferson, in addressing the first glaringly unconstitutional acts of the federal government (the Alien & Sedition Acts, most obviously the Sedition Act), drafted the Kentucky Resolutions of 1798 (and then James Madison drafted a companion, the Virginia Resolutions of 1798). In the Kentucky Resolutions, Jefferson characterized the nature of the relationship between the States and the federal government as follows: "*That the several States composing, the United States of America, are not united on the principle of unlimited submission to their general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes — delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right*

to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: that to this compact each State acceded as a State, and is an integral part, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress";

Whereas, Thomas Jefferson explained, in his Kentucky Resolves of 1799, <u>*why*</u> the States had the right to judge for themselves when the federal government assumes undelegated powers: "That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, annihilation of the state governments, and the erection upon their ruins, of a general consolidated government, will be the inevitable consequence: That the principle and construction contended for by sundry of the state legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who adminster the government, and not the constitution, would be the measure of their powers: That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy….. ";

Whereas, time has shown that the limited language of the Constitution, and even the "further declaratory and restrictive clauses," have failed to achieve their specified intent, which is the constraint of the federal government;

Whereas, since the ratification of the US Constitution, the language and intent of its various articles, sections, and clauses have been incrementally and systematically misinterpreted, reinterpreted, misconstrued, malapplied and or simply ignored through federal executive, legislative, and judicial usurpative action (resulting in a transformation that should have been legally accomplished according to the amendment process of Article V);

Whereas, the actions of one truly tyrannical US president (Abraham Lincoln), assuming powers not delegated and for purposes not within the purview of the federal government, and commandeering the full force and power of the federal government for unconstitutional ends, is not sufficient to justify the legality of those ends;

Whereas, despite the war of 1861-65, the US Constitution has not been amended to alter the relationship between the federal government and the States nor to alter and/or enlarge the powers of the federal government;

Whereas, the result has been the transformation of the government in DC into one much different than what was created by the States (the parties to the compact which was the US Constitution), and one that no longer serves the States as it was intended;

THEREFORE, in consideration of all of the above, We the People of <u>Craven County (the Coastal Carolina Taxpayers Association)</u>, from which all power is vested and consequently derived from in our governance, recognizing that the federal government is unable or unwilling to discharge faithfully the enumerated powers of the Constitution and amendments, or abide by the restrictions contained therein in accordance with the contemporary understanding of the respective article, section, or clause, duly charge the General Assembly of North Carolina to assert the sovereignty guaranteed under The Constitution of the United States, as understood at the time of ratification and jealously protect and defend the inherent rights of its Citizens.

NC STATE SOVERIGNTY BILL

A Bill to Re-Assert State and Individual Sovereignty under the 10th and 11th Amendments and According to the Conventional Wisdom and Understanding of the Constitution as ratified by the State Convention

SECTION I. GENERAL

On May 20, 1775, the North Carolina Assembly, meeting in convention in Mecklenburg County, in outright defiance of the Royal Governor, signed a set of resolutions – called the Mecklenburg Declaration of Independence and Resolves, or more commonly referred to as The "Mecklenburg Resolves" – declaring North Carolina free and independent from Great Britain. It was the first official declaration of American independence from Britain. The Resolves were delivered to North Carolina's delegates who were attending the Second Continental Congress in Philadelphia.

On April 12, 1776, North Carolina adopted the Halifax Resolves, in with which the North Carolina Provincial Congress empowered its delegates to the Continental Congress to vote in favor of independence from Britain. Again, North Carolina was the first to do so.

On August 2, 1788, delegates to the Ratifying Convention in Hillsborough, voted 184-to-82 NOT to ratify the US Constitution because it did not contain a Bill of Rights. Without a declaration of rights and with the laws of the general government being supreme to the laws and constitutions of the several states, the delegates to the NC ratifying convention, elected by the People, understood that the sovereign rights of the several states and the liberties of the people were not secure.

It was only after assurances were given by James Madison, as a representative to the first US Congress, and others, that a Bill of Rights would be added, that North Carolina met again in convention, held in Fayettewille on November 21, 1789, and ratified the Constitution and joined the union.

In response to the demand by North Carolina and other states for a Bill of Rights, the first ten amendments were added to the Constitution. They were – are - introduced by the words: "The Conventions of a number of the States, having at the time of their adopting the Constitution, *expressed a desire for further declaratory and restrictive clauses be added, in order to prevent misconstruction or abuse of the government's powers*." The Bill of Rights was adopted by the first US Congress on September 25, 1789 and ratified on December 15, 1791.

North Carolina holds a distinguished place in American history for being a leading force for freedom and liberty and the ideals upon which the independent united States were established.

This bill intends to re-affirm North Carolina's commitment to freedom and liberty, as envisioned at our Founding, and as proclaimed in the plain language of our nation's Declaration of Independence:

> "We hold these truths to be self-evident, that ALL men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness….. "

The bill also intends to re-affirm the following:

(1) ***The federal nature of our government system.*** By its very words and intention, the US Constitution represents a federal system whereby the sovereign powers of government are split between the States and the federal government. With respect to the express and limited responsibilities listed in the US Constitution, the

federal government is sovereign and supreme, and in all other respects, the States and the People are sovereign. This critical balance provides the foundation of the Constitution, is the most important of our Checks and Balances, and essential for the preservation and security of individual liberty.

(2) ***The division of powers delegated to the federal government versus those retained by the States as explained by James Madison in Federalist No. 45***, written to assure states of the limitations of the government created by the Constitution to the states in their deliberations regarding ratification:

> "The powers delegated to the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, [such] as war, peace, negotiation, and foreign commerce. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people."

(3) ***The Tenth Amendment***, which states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

(4) ***The Ninth Amendment***, which states: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." As the Preamble of the Bill of Rights explains, these amendments, as well as the other eight amendments, are additional "declarations" and "restrictive clauses" intended to further limit the reach of the federal government.

(5) ***The US Constitution is a compact between and among the states***, on behalf of its People, creating a general government to provide for the common defense and a regular and free trade zone among the states, with limitations on its powers that are defined, consistent, and predictable, for the free exercise of individual freedoms (which is the definition of liberty). The general government created by the compact is not a party to the compact but a "creature." As such, and aside from the federal courts' duty to offer an "opinion" to the other branches on the constitutionality of bills, the States, as parties to the compact, have an equal right to judge for themselves the administration or maladministration of the government's delegated powers or its assumption of powers not specifically delegated and thus usurped. "The question is not what power the Federal Government ought to have but what powers in fact have been given by the people." [*United States v. Butler*, 297 U.S. 1, 63 (1936)].

(6) ***The state of North Carolina acceded into the union of States, established by the compact that is the Constitution of the United States, as an independent and Sovereign State***. With its accession, North Carolina did not enter into a position of unlimited subordination to the general government, but ceded only certain enumerated and defined powers, reserving to itself the residuary mass of rights to self-government.

(7) The federal government, through its consolidation of power, instrumentalities, and monopoly over the federal courts, has increasingly entrenched upon the essential balance of sovereign power among itself, the States, and the People, to the great disservice of the latter two. The balance of power has tilted too far and for too long in the direction of the federal government and it is time to restore that balance. The result has been the usurpation of sovereign power from the States and the People, and that usurpation has become palpable. The question has never been "The question is not what power the Federal Government ought to have but what powers in fact have been given by the people." *United States v. Butler*, 297 U.S. 1, 63 (1936).

(8) That the federal government, as an agent to each of the States, has no legal authority to impose legislation or policy upon the people of North Carolina that is beyond the scope of its constitutionally-delegated powers (as per the clear and common-sense wording and intent of the Constitution).

Based on all of the above, the state of North Carolina re-asserts its sovereignty under the Tenth Amendment, re-asserts the sovereignty of its People under the Ninth Amendment, acknowledges the limited nature of the

federal government, and asserts the right and duty to negate federal law when it is not grounded in constitutionally-delegated powers and ensure that they are not enforced within its jurisdiction. It is the duty of this State to apply all measures appropriate to preserve and protect the inalienable Rights of the good People of North Carolina, endowed by our Creator, from abuse by any branch, department or agency of the government of the United States; and to preserve and protect the Sovereignty of North Carolina from all unlawful usurpation and interference by the government of the United States, its agents or assigns.

Any law, statute, treaty, executive order, or judicial order of the government of the United States deemed unconstitutional by declaration by the Governor of North Carolina or by majority of the NC General Assembly, or referendum of the People, shall be deemed moot and unenforceable in the state.

SECTION II: ACKNOWLEDGEMENT AND COMPLIANCE WITH THE CONSTITUTION OF NORTH CAROLINA

(1) The State of North Carolina acts in good faith and to always further good will with its fellow states. It also acknowledges the supremacy of the federal government in those areas that it is specifically delegated with legal authority.

(2) The state of North Carolina, through the actions of its General Assembly, other legislating bodies, and its enforcement agencies, shall establish and enforce laws that are in strict compliance with the Constitution of North Carolina, fully acknowledging said Constitution to be the Supreme Law of the State. No law, statute, regulation, ruling or other governing provision shall be enacted, established, enforced or otherwise implemented or applied contrary to the provisions, purposes, or intent of the Constitution of North Carolina, or which does not clearly and succinctly identify with particularity its purposes and upon whom said provisions shall operate, without ambiguity or open limitations. No law, statute, regulation, etc shall be established or enforced in the State which encroaches upon the express powers of the federal government that were delegated to it pursuant to the Ratifying Convention of November 21, 1789. Respecting the proper division of sovereign power addressed by the Ninth and Tenth Amendments to the US Constitution, the NC state constitution and all laws, rules, regulations and other governing provisions within the State, shall be interpreted and applied in favor of the People and against the government.

SECTION III: PROTECTION OF THE PEOPLE

The state of North Carolina shall protect its People from the illegal assumption of power by the federal government. It will protect its people from prosecution by agents of the government of the United States attempting enforcement of laws, statues, regulations, rulings and other governing provisions which have been identified as unconstitutional by the government of North Carolina. Actions that shall be taken by the State include, but are not limited to, preventing seizure of assets or property, collection of taxes or fines, or imprisonment. No enforcement action shall be taken by any federal or foreign agent against the people in North Carolina except through the county Sheriff and upon presentment of a valid judicial warrant, in which instance said Sheriff shall apprehend and deliver the accused to the appropriate authority at the county jail. The Sheriff may rely on assistance from other county Sheriffs, the NC State Police, and/or relevant federal or foreign agents, at his sole discretion.

ADDENDUM II. MONTANA STATE SOVEREIGNTY RESOLUTION

MONTANA STATE SOVEREIGNTY RESOLUTION

MONTANT HOUSE JOINT RESOLUTION No. 26 AFFIRMING STATES' RIGHTS

2009 Montana Legislature
HOUSE JOINT RESOLUTION NO. 26
INTRODUCED BY M. MORE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA AFFIRMING STATES' RIGHTS AND CONDEMNING ENCROACHMENT OF THOSE RIGHTS BY THE FEDERAL GOVERNMENT AND EXECUTIVE ORDERS.

WHEREAS, The Constitution of the State of Montana declares that the people of this state have the sole and exclusive right to govern themselves as a free, sovereign, and independent state and that the people of this state shall exercise and enjoy every power, jurisdiction, and right pertaining to that right; and

WHEREAS, that right may never be expressly delegated to the United States Congress; and

WHEREAS, The Constitution of the State of Montana declares that the people of Montana solemnly and mutually agree to form a free, sovereign, and independent body politic, or state, by the name of "The State of Montana"; and

WHEREAS, the people of the State of Montana agree that all powers not expressly delegated to the federal government in the United States Constitution and Bill of Rights must be reserved and exercised by individual states; and

WHEREAS, when Montana entered into statehood in 1889, that entrance was accomplished by a contract between Montana and the several states, with Congress and the President concurring and acting as the agent for the several states, a contract known as the "Compact With the United States", archived as Article I of the Montana Constitution; and

WHEREAS, a contract, compact, or treaty must be implemented consistent with the terms and understandings in place at the time it is entered into; and

WHEREAS, the protection of these states' rights is enumerated in amendments to the federal Constitution and Bill of Rights, which state that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people".

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the several states of the United States are not united on the principle of unlimited submission to general government, but by ratifying the federal Constitution and Bill of Rights, they constituted a general government for special purposes and delegated to that government certain definite powers, while reserving all other rights.

(2) That when the general government assumes undelegated powers, its acts are void and of no force.

(3) That the government created by the federal Constitution and Bill of Rights was not granted the right to determine the extent of the powers delegated to itself, since that would have made its discretion, and not the federal Constitution and Bill of Rights, the measure of its powers.

(4) That the federal Constitution and Bill of Rights delegated to Congress a power to punish treason, counterfeiting of the securities and current coin of the United States, piracies, felonies committed on the high seas, offenses against the law of nations, slavery, and no other crimes.

(5) That all acts of Congress that assume to create, define, or punish crimes, other than those enumerated in the federal constitution and Bill of Rights, are void and of no force.

(6) That the power to create, define, and punish other crimes is reserved by the states.

(7) That power over the freedom of religion, freedom of speech, and freedom of the press remains and is reserved by the states or the people, allowing states the right to judge how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom and how far those abuses, which cannot be separated from their use, should be tolerated, rather than allowing the use to be destroyed.

(8) That states are guarded against all abridgment by the United States of the freedom of religious opinions and exercises and retain the right of protecting the same.

(9) That all acts of Congress that abridge freedom of religion, freedom of speech, or freedom of the press are not law and are void.

(10) That power over the freedom of the right to keep and bear arms was reserved to the states and to the people, allowing states the right to judge how far infringements on the right to bear arms should be tolerated, rather than allowing that exercise to be defined by Congress.

(11) That states and the people are guarded against all abridgment by the United States of the right to keep and bear arms and retain the right of protecting that right.

(12) That all acts of Congress that abridge the right to bear arms are not law and are void.

(13) That Congress's interpretation of those parts of the federal Constitution and Bill of Rights that delegate to Congress a power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States" and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof" has attempted to destroy the limits of its power.

(14) That those parts of the federal Constitution and Bill of Rights, detailed in subsection (13), must not be construed to give unlimited powers to the federal government, and that Congress's inappropriate interpretation must be revised and corrected.

(15) That if Montana accepts these inappropriate interpretations and continues to allow Congress to exercise unbridled authority, it would be surrendering its own form of government.

(16) That the people of this state will not submit to undelegated and consequently unlimited powers.

(17) That every state has a right to nullify all assumptions of power by others within their limits, and that without this right, states would be under the dominion and power of anyone who might try to exercise that power.

(18) That it would be a dangerous delusion to silence people's fears for the safety of their rights.

(19) That this state calls on its costates for an expression of their sentiments on acts not authorized by the United States Constitution.

(20) That the rights and liberties of Montana and its costates must be protected from any dangers by declaring that Congress is limited by the federal Constitution and Bill of Rights.

(21) That any act by the Congress of the United States, Executive Order of the President of the United States, or Judicial Order of the United States that assumes a power not delegated by the federal Constitution and Bill of Rights diminishing the liberty of this state or its citizens constitutes a nullification of the federal Constitution and Bill of Rights by the government of the United States, which would also breach Montana's "Compact With the United States". Acts that would cause a nullification and a breach include but are not limited to:

(a) establishing martial law or a state of emergency within a state without the consent of the legislature of that state;

(b) requiring involuntary servitude or governmental service other than a draft during a declared war or pursuant to or as an alternative to incarceration after due process of law;

(c) requiring involuntary servitude or governmental service of persons under the age of 18 other than pursuant to or as an alternative to incarceration after due process of law;

(d) surrendering any power delegated or not delegated to any corporation or foreign government;

(e) any act regarding religion, further limitations on freedom of political speech, or further limitations on freedom of the press; or

(f) any act regarding the right to keep and bear arms or further limitations on the right to bear arms, including any restrictions on the type or number of firearms or the amount or type of ammunition any law-abiding citizen may purchase, own, or possess.

(22) That if any act of Congress becomes law or if an Executive Order or Judicial Order is put into force related to the reservations expressed in this resolution, Montana's "Compact With the United States" is breached and all powers previously delegated to the United States by the federal Constitution and Bill of Rights revert to the states individually.

(23) That any future government of the United States shall require ratification of three-fourths of the states seeking to form a government and shall not be binding upon any state not seeking to form a government.

(24) That the Secretary of State send copies of this resolution to the President of the United States and to each member of the United States Congress.

- END -

References:

HOUSE JOINT RESOLUTION NO. 26 - http://data.opi.mt.gov/bills/2009/billhtml/HJ0026.htm

HOUSE JOINT RESOLUTION NO. 26 - http://stewart-rhodes.blogspot.com/2009/02/montana-house-joint-resolution-no-26.html

Mecklenburg Resolves (May 20, 1775) - http://www.ruralhill.net/Declaration.asp